

MyLiNX Data Protection Notice

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Dynamic Controls, of 39 Princess St. Riccarton, Christchurch, New Zealand (“Dynamic”, “our”, “us”, or “we”), is the Data Controller in relation to all personal data collected and processed through or in relation to the MyLiNX application (the “App”) as set out in this Notice. We are committed to safeguarding the privacy of App users.

This Notice describes how we will collect and process¹ your personal data² in connection with your use of the App with your product that uses a LiNX controller, such as a power wheelchair, for example (“your product”). To continue using your product without disclosing personal data in relation to the App, you can select “Cancel” on the Consent form that follows this Notice, or at any time turn-off or delete the App, in which case you will not be able to use the App, but you can still use your product.

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Personal data we collect and process

While we do not collect and transmit any direct identifiers, such as your name or contact details, we will collect and transmit the data described in this Notice for the purposes described in this Notice.

We will collect and process (a) data from your mobile devices used to access the App, including the IP addresses, regional location data so we can display the App in your local language, the operating system version, phone carrier and manufacturer, application installations, device identifiers, mobile advertising identifiers; and (b) generic data related to your use of the App (such as how often you use the App and what features of the App you access the most, for example); and (c) the serial numbers of your product and technical product data (such as battery levels, usage patterns, error codes, seat angle patterns, motor characteristics, and run time for example).

Although we do not collect any information about your **health**, the use of your product together with the App may reveal the fact, or be an indication, that you have a particular health condition, which may be considered sensitive information.

If you contact us, we may receive information that you provide.

The term “Data” means the information and data described in this section “Personal data we collect and process.”

Why we process your personal data

We process the Data for the purpose of:

(1) allowing you to use the App, so we can:

- (a) provide you with information for evaluating the status and performance of your product;
- (b) remotely diagnose your product for servicing purposes;
- (c) remotely monitor your product usage patterns for alerting and educating you on proper product usage (e.g., battery charging patterns);
- (d) analyse your product and its component performance and usage;
- (e) detect product errors; and
- (f) manage after sales-issues of your product.

Our legal basis - we process the Data out of necessity for the (i) performance of a contract, (ii) compliance with a legal obligation as it relates to the warranty on your product or (iii) purposes of our legitimate interests as listed above.³

(2) improving our products, including:

- (a) research and development of new and improved products and services;
- (b) using anonymized or aggregated technical product Data (to the extent that it is not possible to re-identify individuals) for our research or business purposes; and
- (c) sharing or selling anonymized or aggregated technical product Data (to the extent that it is not possible to re-identify individuals) to third parties for research or their business purposes.

Our legal basis - we process the Data out of necessity for the purposes of our legitimate interests as listed above.⁴

To the extent the Data we collect is considered **health data**, our legal basis for processing is your explicit consent provided in the Consent form below, which can be refused and withdrawn at any time (which does not affect the lawfulness of processing based on consent before its withdrawal).⁵

Where we get your personal data

The Data we collect when you sign-up for the App comes from you, your product, or third parties (product service providers selected by you).

We may separately have access to other personal data about you, which we receive from you or service providers selected by you, namely your name, address and your product, in the context of providing warranties and guarantees for your product. We may combine such data with the Data for the purposes described in (1) and (2) above.

We will collect data about any devices used to access the App (such as your mobile phone or computer) directly from those devices.

If you obtain your product from a third party, such as a product service provider selected by you, we may collect any information you provide to that third party (including your email address).

How long we keep your personal data

We will retain anonymized or aggregated Data (to the extent that the aggregated data does not make it possible to re-identify individuals) as long as needed for, or relevant to, our research and business purposes.

We will retain all other Data for a period required to: comply with applicable laws or regulations (e.g. EU medical device directives), perform contractual commitments, manage any after sales issues, establish, exercise or defend our legal rights or provide you with access to the Data through the App.

Why we share your personal data with third parties

Subject to appropriate contractual safeguards, we may share the Data with: (i) third party service providers selected by you that will use the Data for the purposes set out in (1) [above](#), and (ii) our group members (as defined [below](#)), third party cloud vendors and other service providers in the Internet and data management service sectors that will process the Data on our behalf so that you, and such third party service providers, can access the Data for the purposes set out [above](#).

Those service providers in (i) selected by you, acting as separate data controllers, in some cases add to or combine such Data with any personal data that you provide to them separately in order to provide their services to you. You should carefully review the privacy practices and notices of such data controllers, as we are not responsible for their practices.

We may disclose the Data for the purposes set out in this Notice to any member of our corporate group (this means our subsidiaries, our ultimate parent company and all its subsidiaries) ("[group members](#)"), insofar as reasonably necessary. We may make aggregated, anonymous data relating to activity on the App available to third parties.

We also disclose such Data: (a) to our professional advisors and insurers in order to establish, exercise or defend our legal rights; (b) to tribunals and courts, law enforcement authorities and other parties to the proceedings and their professional advisors in connection with any ongoing or prospective administrative or legal proceedings; (c) to the foregoing third parties mentioned in (a) and (b) and others to the extent that we are required to do so by law or by a court ruling or order; and (d) to the purchaser (or prospective purchaser) of all or substantially all of our shares (or our parent company's shares), or all or substantially all of our assets (or our parent company's assets) that we are (or are contemplating) selling.

International transfers of your personal data

The group members, cloud vendors and service providers listed in (ii) in the preceding section, and other recipients listed in (a) to (d) in the preceding section may be located in countries outside of the European Union ("EU"), namely in New Zealand and the USA. New Zealand is officially recognised by the European Commission as adequately protecting personal data (see [here](#)). Data transfers to the USA are subject to safeguards, provided by either the EU-US Privacy Shield framework (see [here](#)), standard data protection clauses approved by the European Commission or a supervisory authority, Binding Corporate Rules or approved certifications or codes of conduct to protect the Data so transferred. For information relating to the mechanisms that we use for international transfers of the Data please contact our [data protection officer](#) listed below.

Your data protection rights

You may contact us either in writing by sending a letter to Dynamic Controls, of 39 Princess St. Riccarton, Christchurch, New Zealand (Attn: Data Protection Officer) or by e-mail at mylinxsupport@dynamiccontrols.com to exercise the following rights:

- (1) to access your personal data;
- (2) request that we rectify or delete your personal data or restrict the processing of your personal data;
- (3) to object to the processing of your personal data;
- (4) to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on the legal basis of necessity for the purposes of the legitimate interests pursued by the controller or by a third party;
- (5) to refuse to give or withdraw your consent at any time;
- (6) to receive the personal data, which you have provided to us, in a structured, commonly used and machine-readable format and to transmit those data to another controller (so-called data portability); or
- (7) any other rights provided for under the relevant data protection law. You also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or of an alleged infringement of the General Data Protection Regulation. If you object to processing or withdraw your consent, you can continue to use your product, but you will not be able to utilize the App and we will not process your personal data as described in this Notice. You may also contact us if you have questions relating to this Notice.

You can stop all collection of information by the App by uninstalling the App. You may use the standard uninstall processes available through your mobile device or via the mobile application marketplace or network.

You can opt out of receiving push notifications through your device settings. Please note that opting out of receiving push notifications may impact your use of the App.

You can prevent your mobile device from sharing location at any time through your mobile device's operating system settings.

Contact details of our EU representative and data protection officer:

Dynamic Europe Limited
Unit 7, Finepoint Way

Kidderminster
Worcestershire DY11 7FB
United Kingdom
Attn: Data Protection Officer
mylinxsupport@dynamiccontrols.com

- 1 “*Process*” or “*Processing*” is any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
- 2 “Personal data” means any information relating to an identified or identifiable natural person ('data subject'), directly or indirectly, in particular by reference to an identification number or some other factor specific to the person's identity. Examples of personal data are your name or contact details or information about your usage of your product.
- 3 See Article 6(1)(b) (necessity for the performance of a contract) and Article 6(1)(c) (necessity for compliance with a legal obligation) of the General Data Protection Regulation (“GDPR”). See also fn. 4.
- 4 See Article 6(1)(f) of the GDPR (necessity for purposes of legitimate interests).
- 5 See Article 9(2)(a) of the GDPR (explicit consent).

Consent

in Relation to the MyLiNX application

By selecting the “ACCEPT” button, you provide your CONSENT to:

(1) The installation of the MyLiNX application on your mobile device for use with your product (e.g., wheelchair using a LiNX controller) and the remote access by Dynamic Controls (of 39 Princess St. Riccarton, Christchurch 8041, New Zealand) as the controller of the technical product data and serial numbers, which may qualify as your personal data.

ACCEPT

CANCEL

(2) The combination of your personal data that we may have collected separately in relation to providing you services on your product (e.g., warranty repair) with the data described in the section “Personal data we collect and process” in the [MyLiNX Data Protection Notice](#) for the purpose of providing the MyLiNX application.

ACCEPT

CANCEL

(3) Depending on the features of the MyLiNX application and your product, the processing of your health data for the purposes of providing the MyLiNX application.

ACCEPT

CANCEL

You understand that you are free to refuse to give consent. You can also withdraw your consent at any time by sending an e-mail to: mylinxsupport@dynamiccontrols.com.

By selecting the “CANCEL” button, you do not provide your consent to the data processing activity described in this Consent. In this case and in case you refuse to give consent or you withdraw consent, you can continue to use your product, but you will not be able to utilize the MyLiNX application and we will not process your personal data as described in the Notice and this Consent, except for your personal data that we may have collected separately in relation to providing you services on your product.